IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE EIGHTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT APPEAL NO : 1620 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 11/10/2004 in WP NO : 16101 OF 2004 on the file of the High Court.)

Between:

Manyam Panasayya S/o Rama Rao
D.No. 2-6-58/1, near Saritha Complex, Perrajupet Kakinada-3, East Godavari District

..... APPELLANT

AND

1 Government of Andhra Pradesh rep by Principal Secrtary, Port Department Hyderabad
2 The Executive Engineer, Mechanical & Dredging Division, Port Department, Kakinada, East Godavari District
3 The District Collector, Kakinada East Godavari District

.....RESPONDENT(S)

Counsel for the Appellant:MRS.D.GEETHA

Counsel for the Respondent Nos.1 to 3: GP FOR TRANSPORT

The Court made the following Oral Judgment: (per Sri Devinder Gupta,CJ)

In the writ petition, petitioner-appellant questioned the action of respondents in calling the second tender/public auction notice as null and void. The writ petition was dismissed by learned single judge as devoid of any merit.

Appellant has offered his bid pursuant to the tender/public auction notice dated 30.1.2004 issued by the 2nd respondent with respect to disposal of unserviceable machinery and material available at Port Mechanical Stores, Kakinada Port. According to the appellant, he submitted his tender for four items and he was declared to be the highest bidder. But, respondent, instead of fulfilling the remaining formalities, cancelled the tender notice. Appellant, thereafter, got issued a legal notice. But, in the meanwhile, second tender/public auction notice was issued. Therefore, appellant challenged the legality and validity of the same by way of the impugned writ petition.

Learned single judge noticed the fact that the allegation of the petitioner that he was

the highest bidder under the first notice with respect to four items was wrong and also noticed the fact that on receipt of certain complains that cartel was formed among the tenderers, the first tender/public auction notice was cancelled by the respondent. After canceling the first tender notice, appellant was duly informed of the same and the Earnest Money Deposit was also paid back to him on 2.4.2004. Thus, the learned single judge did not find any merit in the appellant-petitioner's contention that issuing of second tender was bad in law. Appellant had equal opportunity along with others to bid at the second tender. In a matter where the authorities cancelled the first tender notice on the ground that complaints were received that cartel was formed among the tenderers, due to which bids received were not competitive, the authorities were justified in issuing the second tender notice.

The writ appeal is mis-conceived and is accordingly dismissed. No costs.

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DEVINDER GUPTA, CJ

Date: 8th November, 2004

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C.V.RAMULU,J

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To

1 The Principal Secretary, Port Department, Government of Andhra Pradesh, Hyderabad.
2 The Executive Engineer, Mechanical & Dredging Division, Port Department, Kakinada, East Godavari District.
3 The District Collector, Kakinada East Godavari District.

4 Two C.Cs. to the Government Pleader for Transports, High Court Buildings, Hyderabad (OUT)

5 Two C.D. copies